

Opening Statement of the Honorable Fred Upton
Subcommittee on Communications and Technology
Hearing on “FCC Reauthorization: Oversight of the Commission”
March 19, 2015

(As Prepared for Delivery)

Reauthorization of the Federal Communications Commission is long overdue as the agency was last reauthorized nearly a quarter of a century ago. A lot has changed over the last 25 years, and reauthorization provides an important opportunity to refocus the commission for the innovation era on its core purpose and responsibility to administer the policies set by Congress for the American people. I intend to see that we deliver.

The commission has an obligation to conduct its business in the open and in accordance with the law in the public's interest. The FCC's recent Open Internet proceeding, however, has been plagued by process failures. Very few people understood the extent of the FCC's new rules regulating the Internet until they were actually showcased by the FCC. And if press reports are accurate, nearly all of those who were looped in work at the White House. Impacted parties must be given the opportunity to review and understand the regulations the FCC proposes before they are adopted. That didn't happen here. Worse still, this is not the only proceeding that has raised questions of the FCC's process integrity.

In addition to the lack of transparency, I fear that the FCC has neglected other duties in favor of moving a politically motivated net neutrality decision. At last year's oversight hearing, I expressed my concern at the delay in completing the 2010 Quadrennial Review of Media Ownership rules. To date, the commission still has not done the statutorily mandated work and unfortunately, there are many more proceedings languishing at the FCC.

This reauthorization process also provides the opportunity to clarify the commission's jurisdiction. Of late, the FCC seems to be intent on expanding its authority to be the regulator of all things privacy. This is not the commission's role. Rather, it shares responsibility for privacy with the Federal Trade Commission. But the FCC's recent decision to reclassify broadband has taken broadband providers out of the FTC's jurisdiction. As we heard from the FTC at yesterday's hearing on data breach, this action has made consumers less safe.

The American people and our nation's economy deserve better and the commission has a lot of highly technical work ahead. These complex and difficult issues will require the best efforts of us all. I hope that we can work together to bring back an effective, transparent, and apolitical government agency that produces fair outcomes and good policy. Let's get the train back on the tracks.

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